IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3074 OF 2007
IN
INCOME TAX APPEAL (L) NO.1448 OF 2007

The Commissioner of Income Tax-2 Mumbai)..Appellant

Versus

Narandas Rajaram & Co.Ltd.,)..Respondent

Mr.P.S.Sahadevan for appellant.

Mr.A.K.Jasani with H.S.Khurana with Mr.B.U.Idnani for respondents.

Coram : F.I.Rebello &
R.S.Mohite,JJ

Date : 12.12.2007.

PC

1. Considering the cause shown, delay condoned. Office to register the appeal.

INCOME TAX APPEAL (L) NO.1448 OF 2007

1. The revenue has preferred this appeal on the question of law as formulated in paragraph-A which reads as under :-

(A) Whether on the facts and in the circumstances of the case and in law, the

Hon’ble Tribunal is correct in cancelling the penalty levied u/s.271(1)(c) of the Act.

2. The learned Tribunal in its impugned order has held that there was no concealment as the respondent has disclosed the income earlier which has been assess as business income subsequently revenue assessing income of the house property. The Supreme Court in **T.Ashok Pai v. Commissioner of Income Tax reported in [2007] 292 ITR 11 (SC)** has set out the expression concealment of income.

3. In our opinion, the facts known to the revenue cannot be said to be concealment and consequently quesion of law considering the judgment of the Supreme Court in in T.Ashok Pai (supra) does not arise. Appeal accordingly dismissed.

(R.S.Mohite,J) **(F.I.Rebello,J)**